
Publish date:
1/23/15

WQC number: 897-0537-WQC-1

Public Notice

Closing Date:
2/21/15

This letter serves as the formal notice of the receipt of an application for a Section 401 Water Quality Certification by the Kentucky Division of Mine Permits (KDMP). The purpose of this notice is to inform the public of active applications awaiting certification under Section 401 of the Clean Water Act (33 U.S.C. § 1341) and to solicit comments and information on any impacts to water quality as it related to the specific project. DMP will evaluate whether the project complies with Kentucky's water quality standards.

The comment period will run for 30 days, as is indicated in the upper portion of this notice. Any person who wishes to comment or receive information pertaining to the pending WQC application, must contact the WQC coordinator at 502 564-2320, or submit comments to: Water Quality Certification 2 Hudson Hollow, Frankfort KY 40601, within the 30 day comment period. All comments will be reviewed and water quality issues will be considered during the review process.

The public may review the detailed Compensatory Mitigation Plan at the Division of Mine Permits office at: #2 Hudson Hollow Frankfort, KY 40601

**Commonwealth of Kentucky
Department for Natural Resources
Division of Mine Permits**

Application for Water Quality Certification for Surface Coal Mining Activities

The Clean Water Act Section 401 Water Quality Certification (WQC) program in Kentucky ensures that activities which may involve a discharge into waters of the Commonwealth which require federal permit or license are consistent with Kentucky's water quality standards in 401 KAR Chapter 5. The Energy and Environment Cabinet has authorized the Department for Natural Resources to issue water quality certifications related to surface coal mining operations. The project may not start until all necessary approvals are obtained. For questions concerning the WQC process, contact the WQC Coordinator at (502)-564-2320.

1. **Applicant Name:** Pine Branch Mining LLC
Mailing Address: 3228 Summit Square Place, Lexington, KY 40509
Contact Person: Ed Brown
Telephone No: (859) 543-0515
E-Mail Address: ebrown@blackhawkmining.com
2. **Consultant Name & Address:** EcoSource, Inc.
Boston Square, Georgetown, Kentucky 40324
Telephone No. (502) 868-5200
E Mail Address: ecosource@hotmail.com
3. **Provide a brief description of the proposed activity and stream impact.**
Pine Branch Mining is proposing to perform restoration on four streams located in Wolfe County, Kentucky. The stream restoration will be used for future impacts and to replace previously unsuccessful mitigation. The site is being permitted through the Army Corps of Engineers as a NW 27.
4. **Project Location Information:**
County Wolfe; **USGS Quadrangle Name** Landsaw, KY
Nearest Community & Road Intersection: Campton, KY 15 & KY 1261
Longitude -83.432496° **Latitude** 37.688998° (At Area A)
5. **List the names of all streams affected by the proposed project:** Unnamed tributaries to Terrell Fork

6. For each affected watershed provide the acreage above the toe of the lowest permanent structure. (as measured at most downstream point in each watershed)

Area A – 77 ac

Area B – 45 ac

Area C – 84 ac

Area D – 50 ac

7. For each affected stream provide the linear feet of impact, whether the impact is temporary or permanent and indicate if the stream reach is classified as ephemeral, intermittent, or perennial.

Area A – 4,201' rehabilitation/enhancement/preservation of intermittent and ephemeral

Area B – 2,095' rehabilitation/enhancement/preservation of intermittent and ephemeral

Area C – 4,250* rehabilitation/enhancement/preservation of perennial, intermittent, and ephemeral

Area D – 2,470' rehabilitation/preservation of intermittent and ephemeral

8. Provide the acreage of wetlands that would be impacted: 0.0 acre

9. Beginning at the nearest intersection of two public roads, provide directions to the project site:

In Wolfe County, Kentucky travel south from Campton on S.R. 15 to the intersection with S.R. 15 and S.R. 1261. Turn left onto S.R. 1261 and travel 2.3 miles to intersection with Terrell Fork Road. Turn right onto Terrell Fork Road and travel 1.2 miles to a locked gate. Access is via a private, graveled road.

10. Has application been submitted to the U.S. Army Corps of Engineers for this project? Yes X No _____. If yes, indicate type of application:

NW 12 _____ NW 14 _____ NW 21 _____ NW 27 X NW 49 _____
NW 50 _____ Individual _____ Other _____

11. Provide the following permit numbers associated with this mining activity:
SMCRA Permit No. not applied yet, KPDES No.

- 12. The following attachments must be provided:**

- A watershed map showing all ponds and hollowfills to scale with all intermittent, and perennial stream reaches clearly identified.
- A 7.5 minute topographic map delineating the proposed project area.
- A copy of the complete Compensatory Mitigation Plan

List all other plans and profiles included with this application:

compensatory mitigation plan

404 permit application and supporting information

I hereby request approval for construction across or along a stream as described in this application and supporting attachments. All of the information provided with this application is true and accurate to the best of my belief and knowledge.

Applicant's Signature:

 D.E., Date: 9/25/2014
If signed by applicant's agent, attach power of attorney

SUBMIT APPLICATION AND ATTACHMENTS TO:

WQC COORDINATOR
DIVISION OF MINE PERMITS
#2 HUDSON HOLLOW
FRANKFORT, KENTUCKY 40601

PINE BRANCH MINING, LLC

Written Action by Manager
in Lieu of a Meeting

October 1, 2012

The undersigned, being the sole manager of PINE BRANCH MINING, LLC, a Kentucky limited liability company (the "Company"), and pursuant to KRS 275.175, and in lieu of a meeting, hereby waives notice of the time, place and purpose of a meeting, adopts the following resolutions and consents to the actions contemplated thereby:

RESOLVED, that D. Edward Brown, Vice President- Engineering of the Company ("Brown") is duly authorized by the Manager, on behalf of the Company, to execute and file all applications, documents, instruments, and papers as may be necessary for the Company to comply with requirements of any federal or state mining regulatory agency or regulations promulgated by any federal or state mining regulatory agency.

RESOLVED, that all authority conferred by these resolutions shall be deemed retroactive and any and all acts permitted or authorized hereunder but performed prior to the adoption of these resolutions are hereby ratified, affirmed and approved.

IN WITNESS WHEREOF, the undersigned has executed this written action to be effective as of the date first set forth above.

BLACKHAWK MINING, LLC, its Manager

By: JMP Blackhawk, LLC, its Manager

By: JMP Coal Holdings, LLC, its Manager



John M. Potter, its Manager

COMMONWEALTH OF KENTUCKY
COUNTY OF Fayette

This is to certify that the foregoing instrument was acknowledged before me on this 1st day of October, 2012, by John M. Potter, as Manager of JMP Coal Holdings, LLC, the Manager of JMP Blackhawk, LLC, the Manager of Blackhawk Mining, LLC, the Manager of Pine Branch Mining, LLC, behalf of the Company

My commission expires: 1-31-2016



NOTARY PUBLIC